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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GRACE E. LA) Case No.: 08 CV 0532WQH WMc
)
v.	) NOTICE OF MOTION TO DISMISS
	) FOR LACK OF VENUE OR IN THE
ANDRA LEONARD ALLEN;	) ALTERNATIVE TO TRANSFER
FOREVER DIAMONDS, a business entity of	) VENUE, MOTION TO DISMISS FOR
unknown origin, and DOES 1 through 50,	) FAILURE TO STATE A CLAIM AND
inclusive	) MOTION TO STRIKE
	) [Fed. Rules of Civ. Proc. 12(b)(3);
	) 12(b)(6); 28 U.S.C. §§1404 and 1406]
)
	) DATE: August 11, 2008
	) TIME: 11:00 AM
	) DEPT: 4
	) JUDGE: Hon. William Q. Hayes
)
	) COMPLAINT FILED: March 21, 2008
	) TRIAL: none set
)
	) NO ORAL ARGUMENT UNLESS
	) REQUESTED BY THE COURT
)
)

TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN THAT ON August 11, 2008, at 11:00 A.M., or as soon thereafter as counsel may be heard by the above-entitled Court, in the Courtroom of Judge William Q. Hayes, Defendants, Andra Allen ("Allen") and Forever Diamonds ("Forever Diamonds"), will move

1 08cv0532WQH WMc

NOTICE OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND VENUE OR IN THE
 ALTERNATIVE TO TRANSFER VENUE, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM AND
 MOTION TO STRIKE

the Court for a Motion to Dismiss Lack of Venue or in the Alternative, a Motion to Transfer Venue; and a Motion to Dismiss for Failure to State a Claim. Defendants, Allen and Forever Diamonds, will also move the Court for their costs. These Motions are brought on the following grounds that:

- Venue in the Southern District of California is improper and Plaintiff's First Amended Complaint should be dismissed or alternatively that the Court transfer Plaintiff's First Amended Complaint to United States District Court of Nevada – Las Vegas;
- That Plaintiff Fails to State a Claim as to the Following Causes of Action:
 - First Cause of Action for Securities Fraud
 - Third Cause of Action for Account Stated
 - Fourth Cause of Action for Intentional Misrepresentation
 - Sixth Cause of Action for Securities Transactions in Violation of California Corporation Code §25000 et seq.
 - Seventh Causes of Action for Recession of Sale of Security

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Andra Allen, the Request for Judicial Notice, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of hearing.

Dated: June 19, 2008

Respectfully Submitted,

s/Timothy P. Dillon
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 Andra Leonard Allen and
 Forever Diamonds
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